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SUBJECT: PARAGUAY: THE SEVENTH ANNUAL ANTI-TRAFFICKING IN
PERSONS (TIP) REPORT

REF: 06 STATE 202745

¶1. (SBU) This cable responds to the detailed questions
regarding Anti-Trafficking in Persons efforts for Paraguay.

OVERVIEW

¶A. Paraguay is a source country for trafficked women and children, many of whom are smuggled across Paraguay's borders into the neighboring countries of Argentina, Bolivia, and Brazil, as well as Spain. The victims are trafficked for sexual exploitation and forced labor. Poor children are also trafficked internally from rural to urban areas, specifically Asuncion and Ciudad del Este, for sexual exploitation and domestic servitude. Trafficking of Paraguayan and Brazilian women and girls, principally for sexual exploitation, remains an ongoing problem in the tri-border area, on the Brazil-Paraguay-Argentina border.

Anecdotal evidence indicates that several hundred women and children are trafficked abroad annually. There are no estimates or statistics available on the extent of trafficking within the country. In 2006, according to the GOP, there were 15 confirmed victims of international trafficking in persons that were repatriated (NOTE: Paraguay only counts TIP victims that have returned to Paraguay as victims. End Note). Of those victims, 9 were adults and 6 were minors under the age of 18. However, there were additional reports of 19 rescued in Spain in May 2006, 2 victims located in Bolivia, and another 17 rescued in Spain in February 2007, all of whom have not returned to Paraguay.

¶B. The Government of Paraguay has made significant efforts to combat trafficking, in the last year, but does not fully comply with the minimum standards for the elimination of trafficking. The government has not provided sufficient resources to the responsible agencies to combat trafficking in persons. The will of those within the agencies is strong to take concrete steps to combat trafficking but the lack of funding undercuts the ability of key agencies to fully implement effective policies.

The government successfully prosecuted two trafficking cases

in 2006 and solicited bilateral assistance and international financial institution funding to train government officials, continue national public awareness campaigns, and establish a shelter to assist victims of trafficking. The government should continue to work with NGOs to increase public awareness and improve services for victims. It should also take greater steps to identify and prosecute trafficking crimes.

Most victims are women and children (mostly girls) and are residents from the rural interior of the country, particularly the departments of Alto Parana, Canindeyu, Caaguazu and Itapua, which border Argentina and Brazil. Recruiters are typically Paraguayan and use false documents to move victims. Much of the initial contact is made by other women, who ask the victims if they have a job and if they would be interested in working overseas. Then the victims are passed over to handlers that facilitate all of the preparations for travel while inside Paraguay. Once the victim arrives in the country of destination (usually Argentina, Spain, Brazil, and in some rarer cases, Bolivia), the victim is forced to surrender their travel documents and are quickly ushered into a life of prostitution.

1C. The government's inability to adequately address this problem largely stems from insufficient resources. In addition, resources to provide housing, shelter, healthcare, food, and transportation of victims back to their home towns were almost non-existent. The agencies responsible for border control (Immigration, Customs, and the National Police) have received limited government training to help prevent trafficking in persons. The Secretariat for Repatriations does not have computers for much of its staff.

1D. Paraguay presently has no system for tracking cases of internal or domestic trafficking. Transnational trafficking cases are tracked independently by individual agencies but there is no central source. Gathering information requires an agency to agency collection and assessment. For example, the Secretariat for Repatriations keeps records of those that have suffered transnational trafficking, while the Attorney General's Office maintains separate records of the transnational criminal cases with the assistance of the Secretariat of Women's Affairs. The Attorney General's

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Office, with INL support, is in the process of implementing a TIP Centralized Database to be used among the Paraguayan entities that work on TIP issues. This project will enable law enforcement agencies to track and retrieve information on TIP cases as well as share information among other related agencies. This project will be operational by April 2007.

PREVENTION

1A. The government does acknowledge that the problem exists.

1B. There are several government agencies involved in anti-trafficking efforts, such as the National Police, the Secretariat of Women's Affairs, the Secretariat of

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Repatriations, the Office of the Attorney General, and the Secretariat of Children and Adolescents, to name a few. The

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Secretariat of Repatriations takes the lead in assisting

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Paraguayan victims of transnational trafficking to return to Asuncion by identifying non-governmental sources to repatriate victims. Once in Asuncion, the Secretariat of Women's Affairs takes the lead for caring for victims, while they are receiving physical and psychological assistance in Asuncion. This agency is also responsible for providing shelter and meals as well as finding ways to transport victims back to their home towns.

¶C. The Secretariat of Women,s Affairs, over the past year, with the support of the INL funds as well as NGO and foreign government assistance, has been conducting an anti-trafficking in persons public awareness campaign with the use of posters and a series of seminars. The seminars were held in the Departments of Itapua, Amambay, Guaira, Alto Parana, and the Central Department, which includes Asuncion. The seminars, targeting potential victims, addressed a range of issues, including women,s health and education. In addition, the Secretariat of Women's Affairs conducted courses for the police, healthcare workers, prosecutors, and others in assisting victims of trafficking and domestic violence.

¶D. The Government of Paraguay does support other programs to prevent trafficking but, again, resources are very limited. The Secretariat of Women,s Affairs has several programs specifically focused on supporting education and job training for women and girls. The Secretariat for Children and Adolescents also sponsors programs to combat child labor, including programs to protect street children and other children from forced labor, and others that focus on the education of children.

¶E. The Government of Paraguay and Non-Governmental Organizations (NGOs) generally make an attempt to work together on anti-TIP. The various entities participate in an institutional round-table working group which consists of more than 30 different representatives from the Government of Paraguay and the NGO community.

¶F. The Government of Paraguay does not monitor immigration and emigration patterns for evidence of trafficking. The law enforcement, immigration and customs officers at the ports of entry were not equipped with modern technology nor trained in modern techniques, in order to screen for potential trafficking victims. There is no monitoring for evidence of trafficking in persons at the borders. The National Police, Immigration and Customs officials do not receive training on anti-TIP techniques. In addition, the borders are very porous and there is limited control.

¶G. In Asuncion, there is coordination, on a limited basis, between various agencies involved in TIP issues. There is an intergovernmental and NGO roundtable that discusses issues specifically related to TIP each month. However, outside of the Asuncion, there is limited coordination among agencies and NGOs. The government does not have a public corruption task force however Paraguay's Steering Committee for a National System for Integrity (CISNE) is a public-private entity that addresses corruption issues.

¶H. The government does have a National Plan to address Trafficking in Persons. The agencies involved in the plan are the Foreign Ministry, the Secretariat of Women,s Affairs, the Secretariat of Repatriations, and the Office of the Attorney General. Both local and international NGOs were consulted regarding this plan, such as the International Organization for Migration (IOM) and Grupo Luna Nueva. The government has acted on the National Plan but progress has been limited by insufficient budgets for the various agencies involved.

INVESTIGATION AND PROSECUTION OF TRAFFICKERS

¶A. Paraguay,s basic anti-trafficking statute and existing laws are adequate to address most forms of trafficking and sexual exploitation of minors but are not properly enforced. The 1997 Penal Code law (1160/97) has several articles that address trafficking in persons and associated violations, including: Article 129 Trafficking in Persons; Article 246 The Production of Illegal Documents; Article 251 Production of Government Documents with False Information; Article 185 Extortion; Article 125 prohibits the forced extraction of a person from Paraguayan territory; Article 124 Deprivation of Freedom; Articles 120 and 121 Coercion and Grave Coercion; Article 122 Threats; and Article 135 Child Sexual Abuse. The 2001 Children and Adolescents Law (1680/01) also contains

provisions that could be used in prosecutions against traffickers, including: Article 25 Children's Rights Against Exploitation and Article 31 prohibits the use of children in commercial sexual activities. The 1997 Adoptions Law contains provisions that protect the rights of children against violence and exploitation. The 2000 Domestic Violence Law (1600/00) contains provisions to protect women and children from physical violence and violence associated with trafficking in persons. Laws for internal trafficking do not exist but several of the laws above are used to prosecute activities related to internal trafficking.

1B. Trafficking-related statutes prescribe sentences to a maximum of 10 years imprisonment.

1C. The penalties are not separated for labor and sexual exploitation.

1D. The statutes for rape or forcible sexual assault prescribe sentences for a maximum of 10 years of imprisonment. If the victim is a minor, the sentences range from 3 to 15 years. The penalties for this violation of law are similar to trafficking maximum sentences.

1E. Prostitution is legal for those over the age of 18 and is regulated by the municipalities.

1F. The government identified 18 pending international trafficking cases (12 of those are in the investigation phase) and prosecuted 2 traffickers in 2006, but the lack of accurate data for previous years makes it unclear whether law enforcement efforts have increased or decreased.

1G. There is no specific information identifying and confirming names or groups however it is widely known that international organized crime syndicates are involved. These syndicates also control the drug and arms-trafficking industries. There is also speculation of political figures being involved but these are unconfirmed reports. It is unclear where these funds are being transferred to and for what purpose.

1H. The Attorney General named a prosecutor as the national coordinator of trafficking prosecutions. The anti-TIP prosecutor actively pursues cases in trafficking but staffing is limited. The government only uses reactive, basic investigative techniques but a lack of resources and personnel hinder effective investigations. Advanced investigative techniques, including electronic surveillance and undercover operations, are not being used. There are no laws that permit the police to engage in covert operations to combat TIP.

1I. The government does not conduct internal training for the Attorney General's Office, National Police, Military, Immigration nor Customs in how to recognize, investigate, and prosecute instances of trafficking. However, the Secretariat of Women's Affairs conducted courses for the police, healthcare workers, prosecutors, and others in assisting victims of trafficking and domestic violence. USG assistance and other international organizations and governments are the only sources of funding for anti-TIP training.

1J. The government cooperates with other governments and Interpol in the investigation and prosecution of trafficking cases. In 2006, there were 18 international trafficking cases.

1K. The government extradites persons who are charged with trafficking in other countries. There have been no Paraguayans extradited to another country under this offense. However, the government does not prohibit extradition.

1L. There is no substantiating evidence linking the government to trafficking.

1M. There is no conclusive or substantiated information linking government officials to trafficking.

¶N. There is no identified child sex tourism industry in Paraguay. However, the Attorney General,s office identified more than 960 cases of sexual abuse against children that are in various stages of investigation. Paraguay,s child sexual abuse laws do not have extraterritorial coverage.

¶O. The Government of Paraguay has signed and ratified ILO Convention 182 concerning the elimination of the worst forms of child labor; ILO Convention 29 and 105 on forced and compulsory labor; the optional protocol to the Convention on the Rights of the Child (CRC) on the sale of children, child prostitution, and child pornography; and the Protocol to Prevent, Suppress and Punish Trafficking in Persons.

PROTECTION AND ASSISTANCE TO VICTIMS

¶A. The government provides assistance to victims but the assistance is inadequate, due to a lack of resources. Victims receive legal, medical and psychological services but only for a limited period of time. Once the victim returns to their community outside of Asuncion, the victim is no longer provided with assistance or follow-up. A Catholic monastery provides temporary housing for victims. The government does not have a shelter facility or a victim health care facility. Victim care is provided in local hospitals in Asuncion. The Secretariat of Women,s Affairs has identified a government-owned property that is suitable for a shelter and is in the process of acquiring the property. In 2007, INL funds will assume a support role in helping to refurbish the building for up to 25 victims of TIP.

¶B. The government does not provide funding or other support to foreign or domestic NGOs for services to victims. Foreign governments and international NGOs provide funding for victims.

¶C. There is some level of government screening and referral process in place to transfer victims to NGOs. Local police and municipal authorities in Asuncion, Ciudad del Este and Encarnacion screened (potential) victims and referred them to NGOs. This process does not necessarily transfer to other border jurisdictions.

¶D. Victims are treated with respect and given some support. Victims are not treated as criminals.

¶E. The government encourages victims to participate in the investigation and prosecution of trafficking perpetrators. However, many victims avoid the legal process for fear of retaliation and death threats. There are no provisions of law allowing a victim to seek civil law suits or restitution against a trafficker.

¶F. The government,s ability to provide protection to victims and witnesses is limited but they do make an effort. The government does not have a shelter. A Catholic monastery provides space for victims of trafficking. The government provides legal, medical and psychological services but only for a limited time period in Asuncion. NGOs provide similar services in other cities. Once the victims return to their home cities or towns, the government services cease. There is no follow-up by the government. Child victims receive the same services.

¶G. The government does not provide training for the Attorney General,s Office, National Police, Military, Immigration or Customs in how to recognize trafficking victims or the services available to them. The government does not provide training to its embassies and consulates in foreign countries on protections and assistance to victims. The government does not urge embassies and consulates to develop relationships with NGOs that serve trafficked victims.

¶H. The government provides legal, medical and psychological services to its repatriated citizens but the government does not operate a shelter.

¶1. Global Infancia, an international NGO, focuses on legal issues on behalf of children. Grupo Luna Nueva, a local NGO, provides a shelter as well as legal and psychological services to victims. The International Organization of Migration provides training and participates in anti-TIP and victim care efforts. The Inter-American Development Bank is a source of funding for anti-TIP efforts for the government. The International Labor Organization participates in the Institutional Roundtable and examines studies regarding TIP. All of the organizations receive cooperation with local authorities and are members of the Institutional Roundtable.

¶2. (U) Post does not have a recommendation(s) for Heroes or Best Practices.

¶3. (U) The POC for Post is Sterling D. Tilley, Jr. His contact information is as follows: 595-21-213-715 (voice), 595-21-214-479 (fax), or tilleyds@state.gov (e-mail). The POC conducted 18 hours of meetings, writing, and editing.

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